

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PATRICK HOPKINS,

Plaintiff,

v.

06cv0304

ELECTRONICALLY FILED

GNC FRANCHISING, INC.,

Defendant.

Order of Court

Currently pending before this Court is defendant's petition for attorneys' fees and costs (doc. no. 24). After careful consideration, this Court will deny defendant's motion for attorneys' fees and costs as premature and without prejudice to re-file pending resolution of the appeal currently before the United States Court of Appeals for the Third Circuit.

SO ORDERED this 13th day of July, 2006.

s/Arthur J. Schwab

Arthur J. Schwab

United States District Judge

cc: All counsel of record